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 § 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LARGE TREES. Trees obtaining a height of 30 feet or more.

MEDIUM TREES. Trees obtaining a height of 25 to 30 feet.

PARK TREES. Trees, shrubs, bushes, and all other woody vegetation in public parks, on public property, and on all areas owned by the city or to which the public has free access as a park.

SMALL TREES. Trees obtaining a height of 15 to 25 feet.

STREET TREES. Trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or rights-of-way within the city.

(1993 Code, § 97.01) (Ord. 94-5, passed 11-21-1994)

📖 § 97.02 CREATION AND ESTABLISHMENT OF A TREE BOARD.

There is hereby created and established a Tree Board which shall consist of the City Commission.

(1993 Code, § 97.02) (Ord. 94-5, passed 11-21-1994)

📖 § 97.03 TERM OF OFFICE.

Members of the Tree Board shall serve until the end of their terms of office.

(1993 Code, § 97.03) (Ord. 94-5, passed 11-21-1994)

📖 § 97.04 COMPENSATION.

Members of the Tree Board shall serve without compensation.

(1993 Code, § 97.04) (Ord. 94-5, passed 11-21-1994)

📖 § 97.05 DUTIES AND RESPONSIBILITIES.

It shall be the responsibility of the Tree Board to study, investigate, counsel, develop, update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of street trees and park trees. The plan shall be developed annually and shall constitute the Official Tree Plan of the city.

(1993 Code, § 97.05) (Ord. 94-5, passed 11-21-1994)

📖 § 97.06 OPERATION.

The Mayor shall act as Chairperson, and the City Clerk shall record a journal of proceedings.

(1993 Code, § 97.06) (Ord. 94-5, passed 11-21-1994)

📖 § 97.07 STREET TREES.

Written permission must be received from the City Manager's office before any street trees can be planted. The city will maintain a list of street trees recommended for planting and a list of street trees that will not be allowed to be planted.

(1993 Code, § 97.07) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

📖 § 97.08 SPACING.

The spacing of street trees will be in accordance with species size and no trees may be planted closer together than the following: small trees – 30 feet; medium trees – 40 feet; large trees – 50 feet; except as approved in writing by the Tree Board.

(1993 Code, § 97.08) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

📖 § 97.09 DISTANCE FROM CURB AND SIDEWALK.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species sizes, and no trees may be planted closer to any curb or sidewalk than the following: small trees – three feet; medium trees – three feet; and large trees – four feet.

(1993 Code, § 97.09) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

📖 § 97.10 DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS.

No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet to any fire hydrant.

(1993 Code, § 97.10) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

📖 § 97.11 UTILITIES; STREET TREES.

No street trees other than small trees may be planted under or within ten lateral feet of any overhead utility wire and no tree shall be planted within five lateral feet of any underground water line, sewer line, transmission line, or other utility.

(1993 Code, § 97.11) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

📖 § 97.12 TREES ON PRIVATE PROPERTY.

No person shall plant any tree on private property within the city unless the distance from the center of the trunk of each tree to the nearest street right-of-way line measures six feet or more.

(1993 Code, § 97.12) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

📖 § 97.13 STREET TREE AND PARK TREE CARE.

The city shall have the right to plant, prune, maintain, and remove street trees, park trees, plants, and other vegetation within the lines of all streets, alleys, avenues, lanes, squares, rights-of-way, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of the public grounds. The Tree Board may remove, or cause or order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, cable lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section shall not prohibit the planting of trees by adjacent property owners, provided that the selection and location of the trees is in accordance with §§ [97.01](#) through [97.11](#).

(1993 Code, § 97.13) (Ord. 94-5, passed 11-21-1994)

📖 § 97.14 TREE TOPPING.

It shall be unlawful for any person or entity to top any street tree or park tree without the written consent of the Tree Board. **TOPPING** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from the provisions of this section by a determination of the Tree Board.

(1993 Code, § 97.14) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

📖 § 97.15 PRUNING, CORNER CLEARANCE.

Every owner of any tree overhanging any street right-of-way within the city shall prune the branches so that the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clean space of eight feet above the surface of the street or sidewalk. The owner shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs that constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic-control device or sign.

(1993 Code, § 97.15) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

📖 § 97.16 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

The city shall have the right to cause the removal of any dead or diseased trees thereof on private property within the city, when the trees or parts thereof constitute a hazard to life and property, or harbor insects or disease that constitute a potential threat to other trees within the city. The Tree Board shall send notice by first class mail to the owner of the private property as appears from the assessment records, with a copy of the notice sent by first class mail to the occupant. Removal shall be done by the owner or occupants at their own expense within 60 days after the date of mailing of notice. In the event

of failure of owners or occupants to comply with these provisions, the city shall have the authority to remove the trees and charge the cost of removal on the owner's property tax notice. In addition, the city may elect to recover the amount through court action.

(1993 Code, § 97.16) (Ord. 94-5, passed 11-21-1994)

§ 97.17 REMOVAL OF STUMPS.

All stumps of street trees and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(1993 Code, § 97.17) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

§ 97.18 INTERFERENCE WITH TREE BOARD.

It shall be unlawful for any person to prevent, delay, or interfere with the Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this chapter.

(1993 Code, § 97.18) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

§ 97.19 RECOVERY OF VALUE OF LOST STREET TREES OR PARK TREES.

(A) Whenever the Tree Board shall determine that any street tree or park tree has been impaired, damaged or broken in a manner which will cause immediate or future removal of the tree and that the removal is deemed premature and untimely based on the condition, vigor, location, kind, and age of the tree, and the Board shall have knowledge of the person causing the damage, the Board shall assess against the responsible person the value of the tree as determined by use of the State Forestry and Parks Association Shade Tree Evaluation Chart or, at the election of the Board, by appraisal.

(B) Whenever the Tree Board shall determine that any street tree or park tree has been severed, destroyed, or removed, and that the severing, destruction, or removal is deemed premature and untimely based on the condition, vigor, location, kind, and age of the tree, and the Board shall have knowledge of the person causing the damage, the Board shall assess against the responsible person the value of the tree as determined by the State Forestry and Parks Association Shade Tree Evaluation Chart or, at the election of the Board, by appraisal.

(C) This section shall not be construed in such a way that the value received by the city shall be less than the actual cost of the removal of the tree and replacement with a tree determined comparable by the Tree Board, which replacement tree to be not less than three inches in diameter measured at the height of six inches above the ground. The Tree Board shall not be restricted in its choice as to the replacement planting site.

(D) It shall be the duty of the Police Department having knowledge of the damage or destruction to street trees or park trees and having knowledge of the person or persons causing the damage to immediately report this information to the Tree Board.

(1993 Code, § 97.19) (Ord. 94-5, passed 11-21-1994)

 § 97.20 ARBORIST LICENSE AND BOND.


It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street trees or park trees within the city, without first applying for and procuring a permit. The permit fee shall be set by the Tree Board and paid in advance; provided, however, that no permit shall be required of any public service company or city employee doing the work in the pursuit of their public service endeavors. Before any permit shall be issued, each applicant shall first file evidence with the City Clerk of possession of liability insurance in the minimum amounts of \$500,000 for bodily injury and \$500,000 property damages, indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. After receipt of the required permit fee and acceptable insurance information, the permit shall be issued by the City Clerk.

(1993 Code, § 97.20) (Ord. 94-5, passed 11-21-1994) Penalty, see § [97.99](#)

 § 97.21 APPEAL PROCESS.

Any land owner aggrieved by any final decision by the Tree Board may appeal the decision to the City Commission within 14 days from the date of the decision. Hearings before the City Commission shall be commenced within a reasonable time after any challenged decision made by the Tree Board, and the petitioner shall be notified at least seven days prior to the hearing. At the hearing, the petitioner shall be entitled to appear in person or by his or her attorney to show cause why the decision should be modified or withdrawn. The failure of the petitioner or representative to appear shall constitute an abandonment of the petition. After a hearing, the City Commission shall sustain, modify, or withdraw any notice and order appealed from, depending on its finds. If it clearly appears that, by reason of special conditions, undue hardship would result from the strict application of any section of this chapter, the City Commission may permit a variance from the mandatory provisions in such a manner that the public safety shall be secured, substantial justice done, and the spirit of the provisions of this chapter upheld. Any decision to permit a variance under this section shall be by a majority vote of the total membership of the City Commission. An owner aggrieved by any final decision or order of the City Commission may appeal the decision or order to the Circuit Court within 21 days of the date of the decision.

(1993 Code, § 97.21) (Ord. 94-5, passed 11-21-1994)

 § 97.99 PENALTY.

Any person, firm, or corporation who shall violate any provision of this chapter shall be considered to have committed a civil infraction and, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$500, or imprisonment for a term not to exceed 90 days, or both, at the discretion of the Court.

(1993 Code, § 97.99) (Ord. 94-5, passed 11-21-1994)

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